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| 09/585,819 | 06/01/2000 | John Gerald Van Heteren | 07057-043001 | 4696 |

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EXAMINER

EDWARDS JR, TIMOTHY

| | |
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| ART UNIT | PAPER NUMBER |
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2635

DATE MAILED: 10/28/2003

59

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,819

Applicant(s)

HETEREN, JOHN GERALD VAN

Examiner

Timothy Edwards, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-37,39-58 and 60-63 is/are rejected.
- 7) ☒ Claim(s) 59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1,3-37,39-63 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments, see REMARKS, filed August 1, 2003, with respect to the rejection(s) of claim(s) 1-18 under 35 USC 112, 1st Paragraph have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Petite et al '692.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-15,17,45-58,60-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petite et al [US 6,437,692], and further in view of Johnson et al [US 5,553,094].

Considering (amended) claim 1, Petite discloses a system and method of monitoring and controlling remote devices comprising, a) a plurality of telemetry devices (see figs 6 and 10); i) sensors configured to generate measurements (see col 12, lines 27-34 and

col 14, lines 51-61); ii) a memory configured to store a plurality of measurements is not specifically recited by Petite. Johnson teaches in col 7, lines 56-67 the use of a telemetry device having a memory configured to store a plurality of measurements. However, one of ordinary skill in the art readily recognize the use of a telemetry device having a memory configured to store a plurality of measurements is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art the Petite system could have this type of meter because such meters are well known and widely used; iii) a transmitter configured to transmit measurement data to a collection device (see fig 6, items 614, 221, and 210; fig 10, item 1020); b) a plurality of collection devices (see fig 10, item 1020 Local Gateway); i) a hub to receive transmission packets from selected telemetry devices (see fig 10, item 1020, transceiver); except the transmission containing both old and new measurements is not specifically recited by Petite. Johnson teaches in col 15, line 57 to col 16, line 5 the transmission containing both old and new measurements to prevent data loss. One of ordinary skill in the art would readily recognize the desire to incorporate this feature in the Petite system because it would prevent data loss and both references are concern with the transmission of utility data; ii) a network device (see fig 10, Local Gateway); internet connection (see fig 10, item 230); and a data processing center (see fig 10, item 1010).

Considering claim 3, Petite discloses the network device comprises an Internet interface (see col 6, lines 20-23 and col 12, lines 28-38).

Considering claims 4,5, Petite does not specifically recite an Internet interface comprising e-mail client, a HTTP server and a telnet daemon or an e-mail server.

However, Petite disclose the use of a server for displaying information on a web page on the internet to a customer or client for browsing the internet (see col 7, lines 41-57 and col 12, lines 34-40). E-mail client, a HTTP server and a telnet daemon or an e-mail server are known devices and software programs available on the Internet and also used for browsing on the Internet. Therefore, it would have been obvious to one of ordinary skill in the art the Petite system would include e-mail client, a HTTP server and a telnet daemon and an e-mail server because Petite discloses the use of an internet server and means for the client to browse the information on the internet.

Considering claim 6, Petite does not specifically recite the limitations of this claim.

However, Johnson teaches in col 7, lines 56-61 a means for measuring consumption a utility at predetermined intervals and tracking and storing the utility measurements. The use of a counter for counting the number of time a measurement is taken is well known in the art as taught by Johnson. Therefore, it would have been obvious to one of ordinary skill in the art to use a method of recording consumption, which is known in the art.

Considering claim 7, Petite does not specifically recite the limitations of this claim.

However, Johnson teaches in col 7, lines 56-61 a telemetry device having a timer for generating a measurement at predetermined time intervals.

Considering claims 8-10, Petite discloses the limitations of these claims in col 5, line 65 to col 6, line 8, col 11, line 56 to col 12, line 3 and col 15, lines 1-8.

Considering claims 11,12, Petite discloses the limitations of these claims in col 11, line 55 to col 12, line 3 and figs 5 and 6.

Considering claims 13,14, Petite discloses the limitations of these claims in col 12, lines 27-34.

Considering (amended) claim 15, Petite discloses the limitation of this claim in col 7, lines 23-30.

Considering claim 17, Petite discloses the limitation of this claim in col 14, line 66 to col 15, line 3.

Considering claims 45,46, the limitations of these claims are interpreted and rejected as stated in claim 4.

Considering claim 47, the limitations of this claim is interpreted and rejected as stated in claims 1, 4, and 18.

Considering claim 48, Petite discloses the limitation of this claim in fig 10, item 1010.

Considering claims 49, the limitations of this claim is interpreted and rejected as stated in claim 47.

Considering claim 50, Petite discloses the limitation of this claim in col 17, lines 28-30.

Considering claim 51, the limitations of this claim is interpreted and rejected as stated in claims 1, 18, and 19; except Petite does not specifically recite a data gathering device including a memory for storing measurement. Petite discloses a utility data-gathering device used in his system. Johnson teaches in col 7, lines 62-67 and col 17, lines 38-44 a memory within a data-gathering device for storing utility measurement. Therefore, it would have been obvious to one of ordinary skill in the art to include a memory in the utility data gathering device in the Petite system as taught by Johnson because both system are concern with the gathering and transmitting of utility data.

Considering claim 52, the limitations of this claim is interpreted and rejected as stated in claims 1, and 51.

Considering claim 53, the limitations of this claim is interpreted and rejected as stated in claims 19.

Considering claim 54, Petite discloses the limitation of this claim in fig 10, item 1010.

Considering claims 55,56,57 the limitations of these claims are interpreted and rejected as stated in claim 1 by Johnson in col 15, line 57 to col 16, line 12. One of ordinary skill in the art would readily recognize the desire to incorporate this feature in the Petite system because it would prevent data loss and both references are concern with the transmission of utility data and data loss.

Considering claim 58, the limitation of this claim is interpreted and rejected as stated in claim 1 by Johnson in col 8, lines 20-31. One of ordinary skill in the art would readily recognize the desire to incorporate waiting an alignment time following a measurement to transmit the measurement in the Petite system as taught by Johnson because it would conserve battery power and both references are concern with the transmission of utility data.

Considering claim 60, the limitations of this claim is interpreted and rejected as stated in claim 13.

Considering claim 61, the limitations of this claim is interpreted and rejected as stated in claim 41.

Considering claim 62, Petite discloses the limitation of this claim in fig 10, item 1010.

Considering claim 63, Petite discloses the limitation of this claim in col 7, lines 41-47, see fig 2, item 230.

Claim 16, is rejected under 35 U.S.C. 103(a) as being unpatentable over Petite and Johnson as applied to claim 1 above, and further in view of Jenny et al [US 5,897,607].

Considering claim 16, Petite does not specifically recite forwarding configuration commands to a telemetry device through the Internet. Petite address in col 14, line 66 to col 15, line 3 the server initiating a control signals via the gateway to the appropriate transceiver and transmitter as required. This would suggest means to communicate with the utility meter. Jenny disclose in col 6, lines 1-9 the forwarding of configuration commands to a telemetry device through the network. One of ordinary skill in the art would recognize the bi-directional sending of data between a meter and a control unit is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the communication means of the Petite system to include a bi-directional communication means as taught by Jenny because Petite suggest the means to communicate with his utility meter and, both references are concern with the transmission and viewing of metering data over an internet network.

Claims 18,19,28-37,39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petite '692.

Considering (amended) claim 18, Petite discloses a) receiving at an intermediate processing device a series of measurements from a plurality of devices (see col 6, lines 20-23); b) displaying the measurement on a web page (see col 7, lines 41-47 and col 12, lines 38-40); c) filtering the measurement data and transmitting filtered data from the intermediate processing device through an internet connection to a processing center (see col 7, lines 6-16 and col 12, lines 34-38); 1) except storing the filter data in the intermediate device is not specifically recited by Petite. However, Petite discloses in col 11, lines 4-32 the local gateway having a memory used to identify the transmitting transceiver, also controlling the operation of the CPU to evaluate the incoming data packet and determine the actions to be taken. Petite addresses the receiving of data from a plurality of sensors and filtering this data which would suggest means to store incoming measurement data because filtering of data suggests comparing stored data to other incoming data and Petite discloses a memory means.

Considering claim 19, the limitations of this claim are interpreted and rejected as stated in claim 18; except Petite does not specifically recite time stamping filtered data. Petite disclose the receiving of measurement data from a plurality of utility device. one of ordinary skill in the art readily recognizes time stamping of data is well known in the utility meter environment. Therefore, it would have been obvious to one of ordinary skill

in the art the Petite system would have means to time stamp data because this is one means of tracking utility data from a plurality of meters.

Considering claim 28, Petite discloses network device (see figs 4 and 10, local gateway) comprising a) a microprocessor (see fig 4, item 422); b) time stamping and filtering (see claim 19); c) a storage device (see fig 4, item 424 and claim 18); d) transmitting data through an internet connection (see figs 4 and 10, item 230); displaying a web page (see claim 18).

Considering claims 29,30, Petite discloses the limitations of these claims in figs 4,10.

Considering claims 31-37, Petite discloses the limitations of these claims in col 11, line 58 to col 12, line 11.

Considering claim 39, Petite discloses displaying the measurement on a web page (see col 7, lines 41-47 and col 12, lines 38-40).

Considering claim 40, Petite discloses the limitation of this claim in col 12, lines 9-19, see fig 5.

Considering claim 41, Petite discloses network device comprising all the limitation of this claim see col 6, lines 37-44, col 7, lines 41-47, col 11, lines 15-22 and line 55 to col

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12, line 3 and col 12, lines 34-40, col 15, lines 1-8 and figs 2, 4, 10; with respect to storing data (see fig 4, item 424 and claim 18, part (1)).

Considering claim 42, Petite discloses the limitation of this claim in col 7, lines 22-26, col 12, line 34-38 and col 14, line 66 to col 15, line 8.

Claims 20-27,43,44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petite as applied to claim 19 above, and further in view of Jenny et al [US 5,897,607].

Considering claims 20-22, Petite does not specifically recite triggering e-mail to forward utility data. Jenny teaches in col 4, lines 54-66 using e-mail messaging technique. Therefore, it would have been obvious to one of ordinary skill in the art to use e-mail messaging technique to forward utility data in the Petite system as taught by Jenny because both references are concern with the transmission of utility data via the internet.

Considering claims 23,24 Petite discloses a) dialing the internet server via a modem (see col 11, lines 61-64); b) sending data via internet e-mail message (see claim 20-22); c) retrieving incoming command message from the data processing center (see col 14, line 66 to col 15, line 3 and fig 10); Petite does not specifically recite acting on a command message or sending a response to the command message. However, one of

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ordinary skill in the art would recognize these limitations are accomplished in the utility meter environment and are well known task. Therefore, it would have been obvious to one of ordinary skill in the art the task are within the scope of the Petite system because Petite discloses the sending of command messages to a utility meter and an acknowledge message is well known in the art.

Considering claim 25, Petite discloses the limitation of this claim in fig 5.

Considering claim 26, Petite does not specifically recite the Internet connection is a DHCP connection. However, applicant admits, page 13, 1st paragraph, this type of connection is well known in the art. Therefore, it would have been obvious to use any well-known Internet connection in the Petite system because Petite discloses interfacing with the Internet.

Considering claim 27, Petite discloses the limitation of this claim in col 6, lines 20-23 and col 7, lines 5-17.

Considering claims 43,44, the limitations of these claims are interpreted and rejected as stated in claim 24.

Allowable Subject Matter

Claim 59 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

1. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (703) 305-4896. The examiner can normally be reached on Monday-Thursday, 8:30 a.m.-4:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examinee by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or fax to:

(703), 872-9314 (for formal communications intended for entry)

Or:

(for informal or draft communications, please label "PROPOSED"
or "DRAFT")

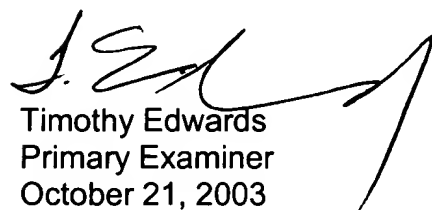
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Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington. VA, Sixth Floor (Receptionist).



Timothy Edwards
Primary Examiner
October 21, 2003